

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 2, 2007

DEPARTMENT: NEIGHBORHOOD SERVICES
DIRECTOR: STEPHEN K. HARSIN

Consent Discussion

SUBJECT:

Public Hearing to consider the report of expenses to recover costs for partial mitigation abatement of vacant or abandoned building and assess civil penalties located at 804 Sunny Place. PROPERTY OWNER: THOMAS & THERESA M. ALBANESE (\$14,544.50 – General Fund) - Ward 5 (Williams)

Fiscal Impact

No Impact Augmentation Required
 Budget Funds Available

Amount: \$14,544.50
Funding Source: General Fund
Dept./Division: Neighborhood Services/Response

PURPOSE/BACKGROUND:

The condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed, the Department of Neighborhood Services hired C & W Enterprises to remove refuse, waste, trash, debris, vegetation and graffiti, paint exterior, repair roof, eaves and fascia board, conduct asbestos survey and board property not boarded to City of Las Vegas specifications. To date, there have been twenty four (24) inspections conducted at this location. The value of the property based on the sale date of November 1985 was \$78,200.

RECOMMENDATION:

That the City Council: 1. Approve the report of expenses in the amount of \$9,120 for work completed by C & W Enterprises, plus a 15% administrative processing fee of \$1,368, reinspection fees (including late fees) of \$256.50, civil penalties in the amount of \$3,800, for a total amount of \$14,544.50, and that the above charges be filed and recorded against the property, constituting a special assessment and lien, and authorize that the Notice and Lien of Assessment be duly recorded with the County Treasurer.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Location Map
3. Report of Expenses
4. Contractor Disclosure
5. Notice of Public Hearing
6. Chronological List of Events
7. Copy of the Notice and Claim of Lien

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Motion made by BRENDA J. WILLIAMS to Approve and bring back an item to discuss demolition of the property.

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

BRENDA J. WILLIAMS, LARRY BROWN, LOIS TARKANIAN, STEVE WOLFSON, OSCAR B. GOODMAN, GARY REESE, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

A video was shown but not submitted.

DEVIN SMITH, Manager of Neighborhood Response, indicated the condition of the property as a public hazard and attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken, nor an appeal filed, the Department of Neighborhood Services hired C & W Enterprises to remove refuse, waste, trash, debris, vegetation and graffiti, paint exterior, repair roof, eaves and fascia board, conduct asbestos survey and board property to City of Las Vegas specifications. Twenty-four inspections were conducted at this location. The value of the property based on the sale date in November 1985 was \$78,200. MR. SMITH recommended that the City Council approve the report of expenses in the amount of \$9,120 for work completed by C & W Enterprises, plus a 15 percent administrative processing fee of \$1,368, reinspection fees including late fees of \$256.50, civil penalties in the amount of \$3,800, totaling \$14,544.50 and that the above charges be filed and recorded against the property, constituting a special assessment and lien and authorize that the Notice and Lien of Assessment be duly recorded with the County Treasurer.

MR. SMITH indicated that the City Council could impose \$500 daily civil penalties from January 25, 2006 to December 6, 2006, for a total of 312 days in the amount of \$156,000.

MR. SMITH indicated that once the graffiti is removed, within days new graffiti appears. In addition, an assessment was conducted by an independent asbestos survey company, which found the presence of asbestos. Therefore, to ensure the safety and health of the community, the building was boarded. At this point, staff is not certain whether to move forward with the demolition of the building and expend those expenses in a facility where staff is uncertain if those fees can be recouped in a reasonable amount of time.

MAYOR GOODMAN verified with MR. SMITH that the City's choices are to leave the property as a blight and a magnet for graffiti or spend the money on the abatement and impose a lien of assessment on the property. MR. SMITH commented that the market value of the property, may not be justification for tearing down the property. MR. SMITH recommended that the asbestos be removed and have a demolition contractor demolish the building, thus eliminating the problem.

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MAYOR GOODMAN asked the reason why asbestos is so harmful to the point that it has to be handled in a careful manner. MR. SMITH replied that the Environmental Protection Agency (EPA) determined that asbestos fibers can get into one's lungs causing asbestosis; the hardening of the lungs. Therefore, any time asbestos is present, a licensed asbestos contractor protects the building and the air entering and leaving the building, abates the asbestos, obtains a clean air sample to ensure no asbestos remnants are left before one can move forward with the demolition process. For this particular building, bids were received in the range of \$30,000 to \$50,000 for the asbestos removal only.

The property owner was not present.

COUNCILWOMAN TARKANIAN indicated that actor STEVE McQUEEN died from the asbestos disease as a result of having worked in a shipyard where asbestos was present.

COUNCILWOMAN WILLIAMS expressed concern about the vacant building because it is a nuisance. A strong message must be sent to absent landlords that deplorable conditions will not be tolerated in Ward 5. Not only is this a situation where the property is in deplorable conditions, but there is also an environmental problem. The property owner has continually ignored City's staff letters. She suggested demolishing the building. MR. SMITH indicated that five Certified letters were sent to the property owner and signed postcards verifying receipt were sent back to staff. MR. SMITH clarified that guidelines on the demolition of the buildings is a fifteen to one percent ratio if the building is a loss. If the building is less than fifteen to one percent salvageable, then staff will get the Building Department to sign off on the demolition.

SENIOR LITIGATION COUNSEL BILL HENRY advised the City Council that the item as agendaed does not permit the Council to vote that the building be demolished. The City Council could vote on the item as noted on the agenda, and staff could bring back a specific item at a later date.

COUNCILWOMAN TARKANIAN asked what liability would the City face if the building is not demolished and someone becomes ill. SENIOR LITIGATION COUNSEL HENRY replied the City would not be liable. MR. SMITH added that staff would notify the property owner regarding the City's intention to obtain bids on the cost of the demolition. Then 10 days prior to that actually happening, a 10-day notice will be sent notifying the property owner that the building will be demolished if a response is not received or the problem is not rectified. At that time, staff would move forward with the lien of assessment.

MAYOR GOODMAN declared the Public Hearing closed.